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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,689	02/11/2000	Vishwajith Kumbalimutt	202413	5531

7590

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EXAMINER

HALIM, SAHERA

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/502,689

Applicant(s)

KUMBALIMUTT ET AL.

Examiner

Sahera Halim

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/11/00.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-47 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicants' cooperation is required in correcting any errors of which Applicants may be aware in the specification.
2. Claims 1-47 are presented for examination.

### ***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 - 45 are drawn to a computerized enterprise system comprising a user interface and a common information model object manager (CIMOM) exposing interfaces to communicate with providers, classified in class 709, subclass 223/224.
  - II. Claim 46, is drawn to a method of creating a managed element for an enterprise system managed by a management framework comprising steps of selecting an element, requesting a definition of the class, identifying resource provider, returning class definition, creating an instant of the element and persisting the instance of element, classified in class 709, subclass 328.
  - III. Claim 47 is drawn to a computer system having a graphical user interface including a display and a user interface selection device, a method of providing

and selecting management tasks and resources, comprising the steps of providing a display, display a list of elements and display data relating to AII, classified in class 709, subclass 517.

4. The inventions are distinct each from the other because of the following reasons:
5. Inventions I, II, and III are disclosed as different combinations, which are not connected in design, operation or effect. These combinations are independent if it can be shown that (1) they are not disclosed as capable of use together, (2) they have different modes of operation, (3) they have different functions, or (4) they have different effects (MPEP. 806.04, MPEP. 808.01). In the instant case, invention I is directed to a computerized enterprise system comprising a user interface and a common information model object manger (CIMOM) exposing interfaces to communicate with the providers. The invention II is directed to a method of creating a managed element for an enterprise system managed by a management framework comprising steps of selecting an element, requesting a definition of the class, identifying resource provider, returning class definition, creating an instant of the element and persisting the instance of element. Invention III is directed to a computer system having a graphical user interface including a display and a user interface selection device, a method of providing and selecting management tasks and resources, comprising the steps of providing a display, display a list of elements and display data relating to AII. Therefore, inventions I, II, and III have different functions and they have different effects.

Art Unit: 2157

6. These inventions are distinct for the reason given above and the search required for each Group is different and not co-extensive for examination purpose. For example, the searches for the two inventions would not be co-extensive because these groups would required different searches on PTO's classification subclass as following:
  - (a) The Group I search (claims 1 -45) would required use of search Class 709, subclass 223/224 (not require for the invention II and III).
  - (b) The Group II search (claim 46) would require use of search class 709, subclass 328 (not require for the invention I, and III).
  - (c) The group III search (claim 47) would require use of search class 709, subclass 517 (not require for the invention I and II).
7. A telephone call was made to Applicants' Representative, Mr. Mark Joy (Reg. No. 35, 562) to request an oral election to the above restriction requirement, but did not result in an election since the call was never returned.
8. Applicants are advised that the response to this requirement to be completed must include an election of the invention to be examined even though the requirement is traversed.
9. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R.'1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining

Art Unit: 2157

in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 C.F.R. '1.48(b) and by the fee required under 37 C.F.R '1.17(h).

10: A shortened statutory period for response to this action is set to **expire 1 (one) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02 (b)).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim, whose telephone number is (703) 305-8054. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax numbers for the organization where this application or proceeding is assigned are (703) 305-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sahera Halim  
Patent Examiner  
Art Unit: 2157

January 23, 2003



**SALEH NAJJAR  
PRIMARY EXAMINER**